

1 ORRICK, HERRINGTON & SUTCLIFFE LLP
KAREN G. JOHNSON-MCKEYAN (SBN 121570)
2 kjohnson-mckewan@orrick.com
ANNETTE L. HURST (SBN 148738)
3 ahurst@orrick.com
GABRIEL M. RAMSEY (SBN 209218)
4 gramsey@orrick.com
405 Howard Street, San Francisco, CA 94105
5 Tel: 1.415.773.5700 / Fax: 1.415.773.5759
PETER A. BICKS (*pro hac vice*)
6 pbicks@orrick.com
LISA T. SIMPSON (*pro hac vice*)
7 lsimpson@orrick.com
51 West 52nd Street, New York, NY 10019
8 Tel: 1.212.506.5000 / Fax: 1.212.506.5151

9 BOIES, SCHILLER & FLEXNER LLP
DAVID BOIES (*pro hac vice*)
10 dboies@bsflp.com
333 Main Street, Armonk, NY 10504
11 Tel: 1.914.749.8200 / Fax: 1.914.749.8300
STEVEN C. HOLTZMAN (SBN 144177)
12 sholtzman@bsflp.com
1999 Harrison St., Ste. 900, Oakland, CA 94612
13 Tel: 1.510.874.1000 / Fax: 1.510.874.1460

14 ORACLE CORPORATION
DORIAN DALEY (SBN 129049)
15 dorian.daley@oracle.com
DEBORAH K. MILLER (SBN 95527)
16 deborah.miller@oracle.com
MATTHEW M. SARBORARIA (SBN 211600)
17 matthew.sarboraria@oracle.com
RUCHIKA AGRAWAL (SBN 246058)
18 ruchika.agrawal@oracle.com
500 Oracle Parkway,
19 Redwood City, CA 94065
20 Tel: 650.506.5200 / Fax: 650.506.7117

Attorneys for Plaintiff
21 ORACLE AMERICA, INC.

22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA
24 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.,
25 Plaintiff,
26 v.
27 GOOGLE INC.,
28 Defendant.

Case No. CV 10-03561 WHA

**ADMINISTRATIVE MOTION TO FILE
UNDER SEAL EXHIBITS TO
SILVERMAN DECL. IN SUPPORT OF
ORACLE'S MOTIONS IN LIMINE**

Hearing: April 27, 2016, 8:00 a.m.
Dept.: Courtroom 8, 19th Floor
Judge: Honorable William H. Alsup

1 Plaintiff Oracle America, Inc. (“Oracle”) hereby moves to file certain Exhibits to the
2 Declaration of Andrew D. Silverman in support of Oracle’s Motions *In Limine* under seal
3 pursuant to Civil Local Rules 7-11 and 79-5.

4 The Order Approving Stipulated Protective Order Subject to Stated Conditions entered in
5 this case, ECF No. 68, states that when material has been designated as “CONFIDENTIAL” or
6 “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY,” a party may not file it in the
7 public record, but must seek to file it under seal pursuant to Civil Local Rule 79-5. Stipulated
8 Protective Order § 14.4, ECF No. 66.

9 Google Inc. (“Google”) has designated certain materials comprising or discussed in
10 Exhibits to the Declaration of Andrew Silverman in Support of Oracle’s Motions *In Limine* as
11 “CONFIDENTIAL” and “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY” pursuant
12 to the Protective Order. Therefore, Oracle moves to seal the portions of its Motion that discuss
13 these Google-designated materials pursuant to the Protective Order.

14 In addition, Oracle moves to seal limited portions of the Expert Report of Dr. Gregory
15 Leonard, attached to the Declaration of Andrew D. Silverman in Support of Oracle’s Motions *In*
16 *Limine* as Exhibit 4. Exhibit 4 discusses recent revenue and profit information for Oracle’s Java
17 specific lines of business. Oracle’s requested order is narrowly tailored to reach only specific
18 revenue and profit figures that are two-years old or less. As set forth in the Declaration of
19 Deborah K. Miller, the limited information Oracle seeks to seal is competitively sensitive
20 information that Oracle maintains in confidence. Oracle respectfully submits that the risk of
21 competitive injury to Oracle constitutes a compelling reason to grant Oracle the narrowly tailored
22 relief requested. *See, e.g., Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1181 (9th
23 Cir. 2006) (setting standard); *Finjan, Inc. v. Proofpoint, Inc.*, 2016 U.S. Dist. LEXIS 15825, at *5
24 (N.D. Cal. Feb. 9, 2016) (granting motion to seal confidential revenue data) (citing *inter alia*
25 *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598, 98 S. Ct. 1306, 55 L. Ed. 2d 570
26 (1978) (holding access to court records has been denied when it includes “sources of business
27 information that might harm a litigant’s competitive standing.”).

28 Exhibit 4 to the Silverman Declaration contains information that has been designated

1 “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY” by both parties. Oracle has
2 provided a proposed public copy of Exhibit 4 with only Oracle’s confidential information
3 redacted. Should Google obtain relief pursuant to L.R. 79-5, and to the extent that Oracle’s
4 present motion to seal is granted, Oracle respectfully requests that the parties be given the
5 opportunity to prepare and file a single public version of Exhibit 4 that redacts both parties
6 confidential information.

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8 Dated: March 23, 2016

KAREN G. JOHNSON-MCKEWAN
ANNETTE L. HURST
GABRIEL M. RAMSEY
PETER A. BICKS
LISA T. SIMPSON
Orrick, Herrington & Sutcliffe LLP

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12 By: /s/ Andrew D. Silverman

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14 Attorneys for Plaintiff
ORACLE AMERICA, INC.